

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANTONIO LEE MIXON,

Petitioner,

v.

BRIAN E. WILLIAMS,

Respondent.

Case No. 2:17-cv-02292-RFB-NJK

ORDER

On March 31, 2020, the Court entered an Order finding that Petitioner Mixon's Amended Petition for Writ of Habeas Corpus (ECF No. 44) contains an unexhausted claim, Ground 5, and gave Mixon the option of either abandoning the claim or moving for stay and abeyance to allow him to exhaust the claim in the Nevada courts. ECF No. 53. Mixon filed a Motion for Stay and Abeyance. ECF No. 54. In response, Respondents filed a Non-Opposition to Motion for Stay. ECF No. 55.

This Court has the discretion to stay federal habeas proceedings and hold them in abeyance while a petitioner pursues state court exhaustion. See Rhines v. Weber, 544 U.S. 269 (2005). It also has the inherent power to control its docket and the disposition of its cases with economy of time and effort for both the Court and the parties. See Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992). Under the circumstances present here, the Court will exercise its discretion to grant a stay.

IT IS FURTHER ORDERED that the grant of a stay is conditioned upon Petitioner returning to this Court with a motion to reopen within **45 days** of issuance of the remittitur by the Supreme Court of Nevada at the conclusion of the state court proceedings.

DATED THIS 8th day of May, 2020.

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